IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 100 /2002

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

PETITIONER: R.D. Verma, S/O S.D.Verma, aged about 50 years, Deputy Ranger Forest , Orange Area Survey Unit Kanker, District Kanker , r/o Govind Nagar Kan ekr, Distrit Kanker (Chhattisgarh)

Versus

RESPONDENTS:
1. State of Chhattisgarh, thorough Secretary Department of Forest, D.K.S. Bhawan Raipur (Chhattisgarh)
2. Conservator Forest, Kanker Circle, District Kanker (Chhattisgarh)
3. Divisional Forest Officer, Kanker, District Kanker (Chhattisgarh)

No. ... Sankar ... Advocate
by Shri Alok Bakshi
30.12.02

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 100/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05.03.2003

Shri N.L.Soni with Kum. Viola Singh for the petitioner.

Smt. Anju Ahuja, P.L. for the State.

Heard.

The challenge in this writ petition is to the order dated 23.12.2002 passed by the Conservator of Forest-respondent No.2 herein, suspending the petitioner for alleged dereliction of duty.

It is submitted that the order is without application of mind and mala fide as the period during which dereliction of duty is alleged, the petitioner was not posted at Markatola. It is also stated, by inviting the attention to Annexure P/3, that a decision to impose punishment has been taken even before initiation of a departmental enquiry. On a query being raised, it is stated by the learned counsel for the petitioner that immediately after the order of suspension was passed a representation/appeal has been preferred to the said Authority, but as no action has been taken for revocation of the order, the petitioner has approached this Court for relief.

Having considered the matter, the Court is of the opinion that it would be appropriate that the Authority concerned shall

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(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P 112/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

take a decision on the representation/appeal filed by the petitioner against the order of suspension in the light of factual aspects, within a period of two weeks from the date of communication/receipt of this order.

It is also contended that the continued suspension is illegal as the charge sheet has not been issued within the prescribed period. This is also an aspect which would be taken into consideration by the concerned Authority while taking a decision on the representation/appeal against the order of suspension and if the objection is found correct, the consequences for not serving the charge sheet are to follow.

With the aforesaid observation and direction, the writ petition stands disposed of with liberty to the petitioner to approach again if a situation so arises.

Consequently, M.W.P.No.107/2003 for interim relief and I.A.No.462/2003 for urgent hearing also stand disposed of.

Certified copy as per rules.

Sd/-
P.C.Naik
Judge

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